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Joseph Mulherin
jmulherin@mwe.com
+1 312 899 7159

October 19, 2023

VIA CM/ECF

The Honorable Jessica S. Allen, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Building & United States Courthouse
50 Walnut Street Room 4015
Newark, NJ 07101

Re: ***D'Ambly v. Exoo, et al.*, Civil Case No.: 2:20-cv-12880-JMV-JSA**
Joint Status Letter

Dear Judge Allen:

Defendants Tribune Publishing Company, LLC (“Tribune”) and the New York Daily News (the “Daily News”) write jointly with Plaintiff Daniel D’Ambly regarding the above-captioned matter. This letter is in response to the Amended Scheduling Order (ECF No. 180) directing the parties to provide a letter addressing the status of completing discovery prior to the telephone status conference on October 26, 2023.

I. Written Discovery

Defendants responded to Plaintiff’s previously served requests for production on September 8, 2023, as directed by the Court. Plaintiff subsequently served interrogatories, to which Defendants responded on October 11, 2023. Defendants received a document production from its third-party subpoena to Cohen Weiss Simon LLP on September 13, 2023, which was shared with Plaintiff. The only outstanding written discovery item is the Court’s ruling on the outstanding privilege log issues. Otherwise, there is no further written discovery outstanding, and the parties do not anticipate further written discovery being necessary.

II. Depositions

Defendants issued a Notice of Deposition of Plaintiff Daniel D’Ambly, scheduled for November 2, 2023 at Plaintiff’s counsel’s office. Plaintiff has represented that he will be issuing deposition notices. Plaintiff’s counsel has previously represented that he wishes to depose no less than six (6) individuals. Further, several individuals Plaintiff’s counsel has informally stated he wished to depose are no longer employed with Defendants, so third-party subpoenas will be necessary. Defendants request that this Court require Plaintiff to issue subpoenas and notices of depositions by October 30, 2023, especially if counsel

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intends to take in-person depositions, so that Defendants' counsel has sufficient time to prepare for and take said depositions prior to the close of fact discovery on November 30, 2023.

III. Dispositive Motions

The parties further request that this Court set a briefing schedule for dispositive motions as Defendants intend to file a motion for summary judgment promptly upon the close of discovery. The parties propose the following schedule:

- Any motions for summary judgment are due five weeks after the close of discovery on Friday, January 5, 2024;
- Responses to motions for summary judgment due 30 days thereafter on Monday, February 5, 2023; and
- Reply briefs in support of motions for summary judgment due 14 days thereafter on Monday, February 19, 2023.

The parties appreciate the Court's assistance in the above matters.

Respectfully submitted,

s/ Joseph Mulherin

Joseph Mulherin
Emily Starbuck
McDermott Will & Emery LLP
*Attorneys for Tribune Publishing Company
and New York Daily News*

s/ Patrick Trainor

Patrick Trainor
Law Office of Patrick Trainor
Attorney for Plaintiff Daniel D'Ambly